

1 The Honorable Robert S. Lasnik
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

9 STATE OF WASHINGTON, et al.,
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Plaintiffs,

v.

12 UNITED STATES DEPARTMENT OF
13 STATE, et al.,

14 Defendants.

NO. 2:18-cv-01115-RSL

15 DECLARATION OF
16 JEFFREY RUPERT IN SUPPORT OF
17 PLAINTIFFS' MOTION FOR
18 PRELIMINARY INJUNCTION

19 **Hearing Date: August 21, 2018**

20 I, Jeffrey Rupert, declare as follows:

21 1. I am over the age of 18 and have personal knowledge of all the facts stated herein.

22 2. I am an Assistant Attorney General with the Washington State Attorney General's

23 Office and counsel of record for the State of Washington in this matter.

24 3. Attached hereto as Exhibit 1 is a true and correct copy of the August 1, 2018 Press

Briefing by Press Secretary Sarah Sanders, available at <https://www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-080118/>.

4. Attached hereto as Exhibit 2 is a true and correct copy of the May 11, 2015

Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Preliminary

1 Injunction in *Def. Distributed v. U.S. Dep’t of State*, No. 1:15-cv-00372-RP (W.D. Tex.), ECF
2 No. 8.

3 5. Attached hereto as Exhibit 3 is a true and correct copy of Defendants’ Opposition
4 to Plaintiffs’ Motion for a Preliminary Injunction (filed June 10, 2015) in *Def. Distributed v.*
5 *U.S. Dep’t of State*, No. 1:15-cv-00372-RP (W.D. Tex.), ECF No. 32.

6 6. Attached hereto as Exhibit 4 is a true and correct copy of Defendants’ Motion to
7 Dismiss Second Amended Complaint (filed April 6, 2018) in *Def. Distributed v. U.S. Dep’t of*
8 *State*, No. 1:15-cv-00372-RP (W.D. Tex.), ECF No. 92.

9 7. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiffs’ Unopposed
10 Motion to Stay Proceedings to Complete Settlement (filed April 30, 2018) in *Def. Distributed v.*
11 *U.S. Dep’t of State*, No. 1:15-cv-00372-RP (W.D. Tex.), ECF No. 93.

12 8. Attached hereto as Exhibit 6 is a true and correct copy of the August 2, 2018 letter
13 from the U.S. Department of Justice to Jeff Sprung, Assistant Attorney General for the State of
14 Washington.

15 9. Attached hereto as Exhibit 7 is a true and correct copy of the July 27, 2018 letter
16 of the United States Department of State to Mr. Cody R. Wilson, Defense Distributed, and
17 Second Amendment Foundation, Inc. in *Def. Distributed v. Grewal*, No. 1:18-cv-00637 (W.D.
18 Tex.), ECF No. 1-2.

19 10. Attached hereto as Exhibit 8 is a true and correct copy of the July 27, 2018
20 Stipulation of Dismissal with Prejudice in *Def. Distributed v. U.S. Dep’t of State*, No. 1:15-cv-
21 00372-RP (W.D. Tex.), ECF No. 112.

1 11. Attached hereto as Exhibit 9 is a true and correct copy of the August 8, 2018 letter
2 of Robert Menendez, Ranking Member, United States Senate, to the Honorable Robert W.
3 Ferguson, Attorney General of Washington.

4 12. Attached hereto as Exhibit 10 is a true and correct copy of the July 25, 2018 letter
5 of Robert Menendez, Ranking Member, United States Senate, to the Honorable Michael
6 Pompeo, Secretary of State.

7 13. Attached hereto as Exhibit 11 is a true and correct copy of the July 26, 2018
8 United States Senate letter to Secretary of State Mike Pompeo available at
9 <https://www.markey.senate.gov/imo/media/doc/Letter%20to%20State%203D%20Printed%20Firearms.pdf>.

11 14. Attached hereto as Exhibit 12 is a true and correct copy of the July 31, 2018 letter
12 of Edward R. Royce, Chairman of the United States House of Representatives Committee on
13 Foreign Affairs available at <https://foreignaffairs.house.gov/wp-content/uploads/2018/07/7.31.18-POTUS-3D-Guns.pdf>.

15 15. Attached hereto as Exhibit 13 is a true and correct copy of the March 16, 2018
16 Second Amended Complaint filed in *Def. Distributed v. U.S. Dep't of State*, No. 1:15-cv-00372-
17 RP (W.D. Tex.), ECF No. 90.

18 16. Attached hereto as Exhibit 14 is a true and correct copy of the July 10, 2018
19 TechCrunch article, *Court victory Legalizes 3D-printable gun blueprints*, authored by Devin
20 Coldewey, available at <https://techcrunch.com/2018/07/10/court-victory-legalizes-3d-printable-gun-blueprints/>.

1 17. Attached hereto as Exhibit 15 is a true and correct copy of the August 1, 2018
 2 Vox article, *The battle to stop 3D-printed guns, explained*, authored by German Lopez, available
 3 at <https://www.vox.com/2018/7/31/17634558/3d-printed-guns-trump-cody-wilson-defcad>.

4 18. Attached hereto as Exhibit 16 is a true and correct copy of the March 1, 2013 Ars
 5 Technica article, “*Download this gun*”: *3D printed semi-automatic fires over 600 rounds*,
 6 authored by Cyrus Farvar, available at [https://arstechnica.com/tech-policy/2013/03/download-
 7 this-gun-3d-printed-semi-automatic-fires-over-600-rounds/](https://arstechnica.com/tech-policy/2013/03/download-this-gun-3d-printed-semi-automatic-fires-over-600-rounds/).

8 19. Hyperlinked below is a true and correct representation of the YouTube Video
 9 *First Functional 3D PRINTED GUN (the LIBERATOR) Is Fired!* (published May 9, 2013)
 10 available at <https://www.youtube.com/watch?v=foE6Bladlj8> (accessed 8/9/18).

11 20. Attached hereto as Exhibit 17 is a true and correct copy of the August 9, 2016
 12 3D Printing Industry article, *3D Printed Gun Seized by TSA*, authored by Nick Hall, available at
 13 <https://3dprintingindustry.com/news/3d-printed-gun-seized-by-tsa-91671/>.

14 21. Attached hereto as Exhibit 18 is a true and correct copy of the July 19, 2018
 15 Independent article, *3D printed guns seized by Australian police during raid*, authored by Tom
 16 Barnes, available at [https://www.independent.co.uk/news/world/australia/guns-3d-printed-
 australia-seized-police-raid-queensland-a8454486.html](https://www.independent.co.uk/news/world/australia/guns-3d-printed-

 17 australia-seized-police-raid-queensland-a8454486.html).

18 22. Attached hereto as Exhibit 19 is a true and correct copy of the August 2018
 19 All3DP article, *2018 3D Printed Gun Report – All You Need to Know*, authored by Tyler Koslow,
 20 available at <https://all3dp.com/3d-printed-gun-firearm-weapon-parts/>.

21 23. Attached hereto as Exhibit 20 is a true and correct copy of the October 7, 2013
 22 Declaration of Cathy L. Lanier filed in *Dick Anthony Heller, et al. v. District of Columbia, et al.*,
 23 No. 1:08-cv-01289-JEB (D.C.), ECF No. 73-8.

24. Attached hereto as Exhibit 21 is a true and correct copy of the August 1, 2018 USA Today article, *Plastic 3D guns printed at home will raise threat level for everyone, especially Congress*, authored by Terrance Gainer, available at <https://www.usatoday.com/story/opinion/2018/08/01/plastic-guns-3-d-printers-raise-threat-level-congress-column/879432002/>.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 9th day of August, 2018, at Seattle, Washington.

/s/ Jeffrey Rupert
Jeffrey Rupert

DECLARATION OF SERVICE

I hereby certify that on August 9, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will serve a copy of this document upon all counsel of record.

DATED this 9th day of August, 2018, at Seattle, Washington.

/s/ Jeffrey Rupert
JEFFREY RUPERT